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NORMAN KEN OUCHI P.O. BOX 20111 SAN JOSE, CA 95160				
			EXAMINER JARRETT, SCOTT L	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,412

Applicant(s)

OUCHI, NORMAN KEN

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application.                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Final Office Action is in response to Applicant's amendments filed September 18, 2006. Applicant's amendment canceled claims 1-59 and added new claims 60-79. Currently Claims 60-79 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 60-79 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 60-61, 63 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Han, Yanbo et al., A Taxonomy of Adaptive Workflow Management (1998).

Regarding Claim 60 Han et al. teach a system and method to adapt a route to implement a process comprising:

- dividing the process into a sequence of process steps (Last Paragraph, Page 1; Paragraph 1, Page 2);

- assign to each process step, except for a first process step for which a workflow step is specified during the execution of the route ("Ad-hoc adaptation of the workflow models takes place dynamically as the workflow models are being executed.", Paragraph 1, Page 6), a workflow step to implement the process step where the sequence of workflow steps creates a route (Paragraph 1, Page 2);

- define a set of potential process step candidates, each with an associated workflow step, and define a list (multiple choices) of process step candidates (Last Paragraph, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 8; Section 2.2, Pages 3-4; Section 4, Pages 6-7);

- include in the route prior to the first process step, an adaptive workflow step, to select a process step from the list of process step candidates to implement the first process step (Section 4, Pages 6-7);
- execute the route in a workflow system such that the adaptive workflow step is executed and used to select a process step with the corresponding workflow step to implement the first process step and adapt the route to implement the process by inserting the selected workflow step into the route to implement the first step (Paragraph 2, Page 7; Paragraph 1, Page 8; Section 4, Pages 7-8).

Regarding Claim 61 Han et al. teach a workflow system and method wherein the adaptive workflow step specifies a sub-process (sub-models) with an associated route ("during the execution of the model, certain sub-models can be dynamically defined and put into immediate use"; Paragraph 2, Page 7), a sequence of steps, by selecting from a list of processes and inserts the workflow steps in the route (Last Paragraph, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 8; Section 2.2, Pages 3-4; Section 4, Pages 6-7).

Regarding Claim 63 Han et al. teach a workflow system and method wherein a second process step has an associated second adaptive workflow step and the adaptive workflow step selects the second process step and inserts the second workflow step into the route (Last Paragraph, Page 2; Paragraph 1, Page 3; Paragraph 1, Page 8; Section 2.2, Pages 3-4; Section 4, Pages 6-7).

Regarding Claim 65 Han et al. teach a workflow system and method wherein the adaptive workflow step modifies a process step with associated workflow step (Section 2.2, Pages 3-4; Paragraph 1, Page 6) and specifies the modified process step by adding it to and selecting from the list of process step candidates (Paragraphs 1-2, Page 7; "during the execution of the model, certain sub-models can be dynamically defined and put into immediate use"; Paragraph 2, Page 7).

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5. Claims 68-69, 71, 73-74, 77 and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Caruso et al., U.S. Patent No. 5,848,271.

Regarding Claim 68 Caruso et al. teach a system and method for adapting a route while processing a route comprising (Figures 2, 6-8, 15, 16E, 18):

- a computer, a user interface, both connected by a network (Figures 1,3);
- a set of step candidates and a list of step candidates stored in the computer (Column 3, Lines 35-45; Column 4, Lines 1-12; Column 10, Lines 9-35; Figure 3);
- an adaptive workflow program executing in the computer and providing an adaptive step as a screen on the user interface to specifying a subsequent step in a route by selecting a step from the list of candidates during the processing of the route (Column 3, Lines 35-68; Column 4, Lines 1-35; Column 11, Lines 22-45; Figures 6-8; 16A, 16C, 32);
- a route, containing the adaptive step, stored in the computer (Column 3, Lines 35-45; Column 4, Lines 1-12; Column 10, Lines 9-35; Figure 3);
- wherein the adaptive program processes the route and the adaptive step is processed to specify the subsequent step in the route which adapts the route by inserting the specified step in the route as the subsequent step (Column 4, Lines 1-60; Figures 2, 6-8).

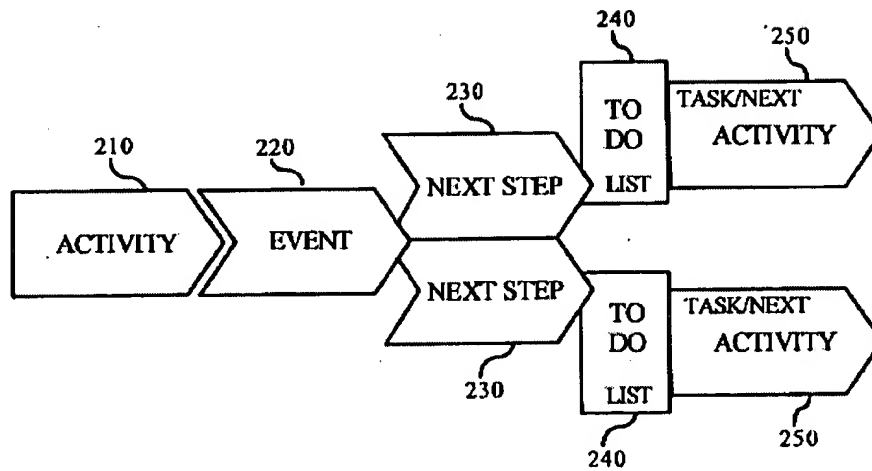


FIG. 2

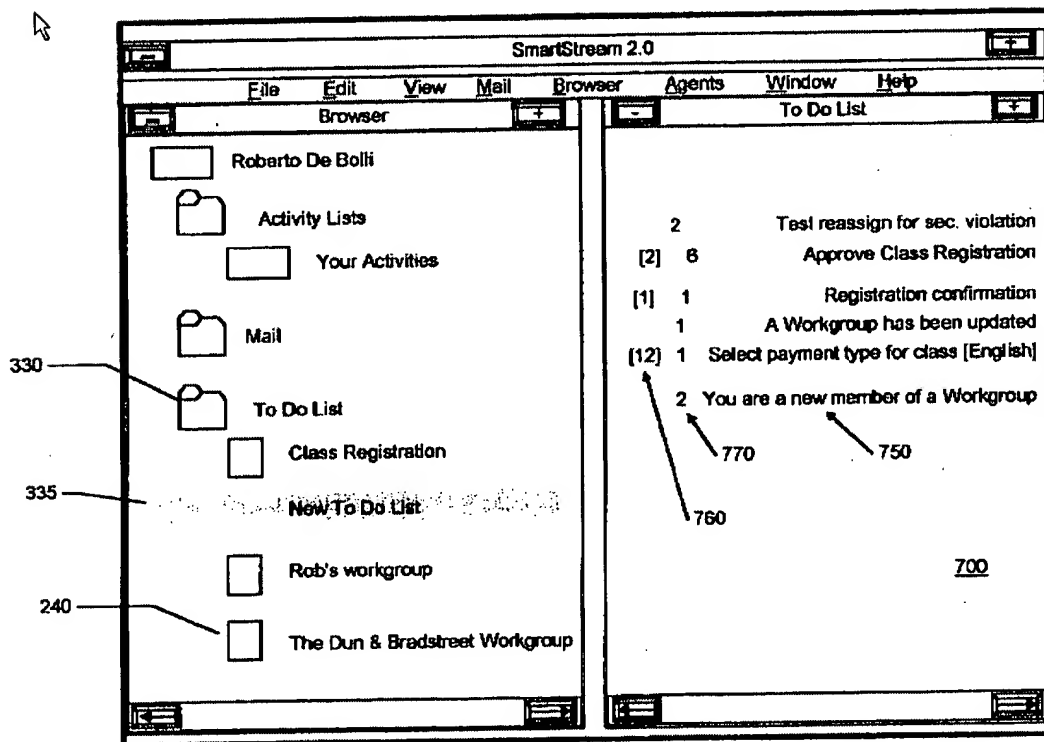


FIG. 7



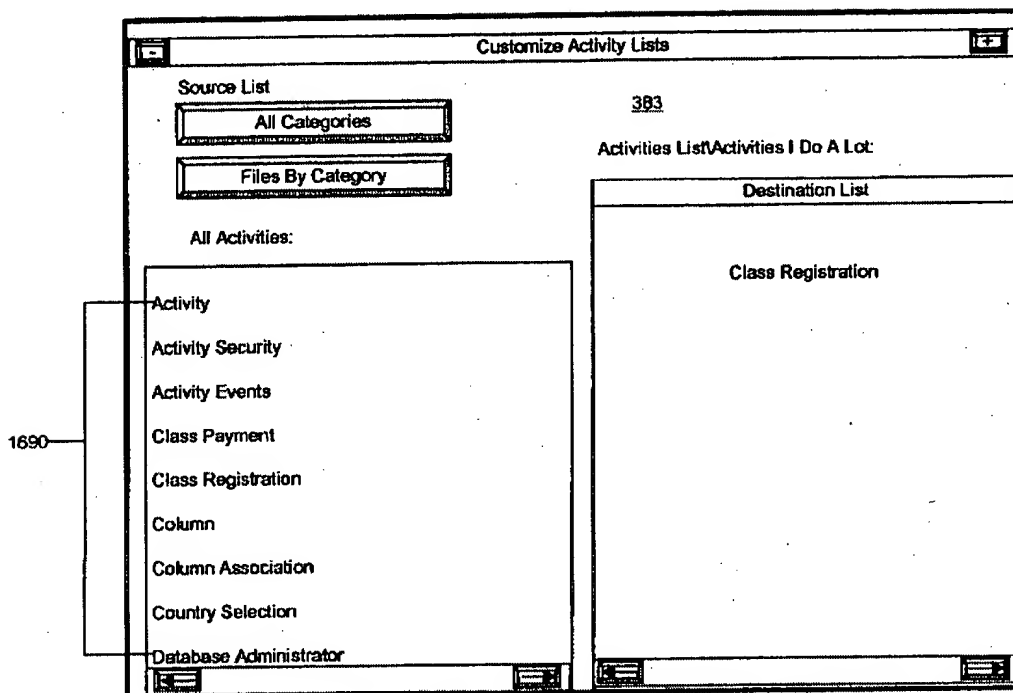


FIG. 16E

Regarding Claim 69 Caruso et al. teach a workflow system and method where the adaptive step specifies a list of step candidates selected from possible step candidates where the list selection criteria includes site, adaptive step, subsequent step or user organizational level (Column 3, Lines 35-45; Column 4, Lines 1-12; Column 10, Lines 9-35; Figures 6-8, 16A-16E, 32).

Regarding Claim 71 Caruso et al. teach a workflow system and method wherein a second step includes a second adaptive step and the adaptive step selects the second step from a list of step candidates such that the second adaptive step is inserted into the route (Column 3, Lines 35-45; Column 4, Lines 1-12; Column 10, Lines 9-35; Figures 6-8, 16A-16E, 32)

Regarding Claims 73 and 79 Caruso et al. teach a workflow system and method wherein the adaptive step modifies a step and specifies the modified step by adding to and selecting the modified step from the list of step candidates (Column 11, Lines 23-45; Figure 16A).

Regarding Claim 74 Caruso et al. teach a method to adapt the execution of a workflow route, a sequence of steps, comprising (Column 3, Lines 35-68; Column 4, Lines 1-35; Column 11, Lines 22-45; Figures 6-8; 16A, 16C, 32):

- define the workflow route except for a first step to be specified during the execution of the workflow route;
- define a set of step candidates and define a list of step candidates;
- include in the workflow route prior to the yet unspecified first step, an adaptive step to select the first step from a list of step candidates;
- start execution of the workflow route in a workflow system such that the adaptive step selects a second step from a list of step candidates and adapts the execution of the workflow route by inserting the second step into the route as the first step.

Regarding Claim 77 Caruso et al. teach a workflow method and system wherein a third step in the list of step candidates includes an adaptive step and the adaptive step

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specifies the third step to adapt the route (Column 3, Lines 35-68; Column 4, Lines 1-35; Column 11, Lines 22-45; Figures 6-8; 16A, 16C, 32).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 62 and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Yanbo et al., A Taxonomy of Adaptive Workflow Management (1998) as applied to claim 60 above and further in view of Elkin et al., U.S. Patent Publication No. 2001/0044738.

Regarding Claim 62 Han et al. teach a workflow system and method wherein the adaptive workflow step specifies a process step with associated workflow step from a list of process steps, by selecting from the list of process step candidates and inserts the workflow step into the route as discussed above.

While Han et al. teach selecting process steps from a list of process steps Han et al. does not expressly teach a *library* of process steps as claimed.

Elkin et al. teach storing and utilizing (selecting) process steps from a library (repository; Paragraphs 0152-0153; Table 1) in an analogous art of workflow management for the purposes of enabling multiple workflow designers to collaborate and utilize shared process models (workflows, process steps; Paragraph 00153).

It would have been obvious to one skilled in the art at the time of the invention that the method to adapt a route to implement a process as taught by Han et al. would have benefited from storing and selecting process lists from a library (repository) in view of the teachings of Elkin et al.; the resultant system/method multiple workflow designers to collaborate and utilize shared process models (Elkin et al.: Paragraph 00153).

Regarding Claim 66 Han et al. does not expressly teach selecting a user from a list of users or subsequently selecting the user based selection criteria that includes user role, workflow step and user organizational level as claimed.

Elkin et al. teach specifying/assigning a user (user role, users, group) to a specified workflow step (activity, process; Paragraphs 0069-0073; Figure 3, Elements 270, 280) from a list of users wherein a user(s) is selected based on one or more selection criteria including user role, location (site), department, territory or the like (Paragraph 0136) in an analogous art of workflow management for the purposes of assigning task completion to people or applications in the organization (Paragraph 0013).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting a route to implement a process as taught by Han et al. would have benefited from assigning users/user roles from a list of

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users/roles based on one or more selection criteria including a user's role and/or location to process steps in view of the teachings of Elkin et al.; the resultant system/method assigning task completion to people or applications in the organization (Elkin et al.: Paragraph 0013).

Further it is noted that while Han et al. does not expressly teach the user selection criteria as claimed these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific selection criteria/rules/policies used to select a user. Further, the structural elements remain the same regardless of the specific selection criteria/rules/policies used to select a user. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 67 Han et al. teach a workflow system and method wherein the list of process step candidates is selected from a set of process steps, as discussed above.

Han et al. is silent on the list selection criteria used to select process steps, specifically Han et al. does not expressly teach that the list selection criteria includes site, process step and user organizational level as claimed.

Elkin et al. teach several selection criteria for selecting process steps and user roles including but not limited to location (site), process step (activity) and user role (organization level; Paragraphs 0136-0137) in an analogous art of workflow management for the purposes of making it easier for business people to define and implement workflows (Paragraph 0013).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting a route to implement a process as taught by Han et al. would have benefited from selecting process steps using any of a plurality of selection criteria including user role, location (site) or the like in view of the teachings of Elkin et al.; the resultant system/method making it easier for business people to define and implement workflows (Elkin et al.: Paragraph 0013).

Further it is noted that while Han et al. does not expressly teach the list selection criteria as claimed these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific selection criteria/rules/policies used to select the

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next/subsequent process step. Further, the structural elements remain the same regardless of the specific selection criteria/rules/policies used to select the next/subsequent process step. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.



8. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Yanbo et al., A Taxonomy of Adaptive Workflow Management (1998) as applied to claim 60 above and further in view of Meijler et al., Realising Run-Time Adaptable Workflow by means of Reflection in the Baan Workflow Engine (PTO-892, mailed February 8, 2006, Reference W2).

Regarding Claim 64 Han et al. teach a workflow management system and method wherein the adaptive workflow step provides multiple selection of process steps from the list of process step candidates as discussed above.

While executing workflows/business processes in parallel is old and very well known Han et al. does not expressly teach executing the associated workflow steps of the selected process steps in parallel as claimed.

Meijler et al. teach executing business process steps (workflows, routes, etc.) in parallel (Paragraph 2, Page 3; Paragraph 2, Page 4; Figure 4) in an analogous art of adaptive workflow management for the purposes of enabling adaptive workflow steps that are executed in parallel to eventually merge (synchronize; Paragraph 2, Page 4).

Meijler et al. further teach an adaptive workflow management system and method comprising ad-hoc workflows (routes), wherein "the user is completely free in choosing the next activity" (Number 1, Page 1), restricted choice, wherein "the choice of activities that the user has to ad-hoc define the process is limited, and depends on the

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current situation" (Number 5, Page 2), an adaptive step (Last Paragraph, Page 3) and inserting an adaptive step prior to the first step of a route (Paragraph 1, Page 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method to adapt a route to implement a process as taught by Han et al. would have benefited from executing workflow steps (routes, processes, tasks, etc.) in parallel in view of the teachings of Meijler et al.; the resultant system/method enabling adaptive workflow steps that are executed in parallel to eventually merge (Meijler et al.: Paragraph 2, Page 4).

9. Claims 70 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caruso et al., U.S. Patent No. 5,848,271 as applied to claims 68 and 74 above and further in view of Elkin et al., U.S. Patent Publication No. 2001/0044738.

Regarding Claims 70 and 76, Caruso et al. teach selecting process steps from a list of process steps, as discussed above, however while the utilization of sub-routes (sub-process, sub-workflows, nested workflows, etc.) are very well known Caruso et al. does not expressly teach utilizing sub-routes as claimed.

Elkin et al. teach a utilizing/specifying sub-processes (workflows; Paragraph 0005) in are analogous art of workflow management for the purposes of making it easier for business users to define business process from the top-down wherein the high-level process is successively broken down (decomposed) into sub-process for each employee (Paragraph 0005).

It would have been obvious to one skilled in the art at the time of the invention that the method for adapting a route to implement a process as taught by Caruso et al. would have benefited from specifying a sub-route, a sequence of steps, by selecting a sub-route from a list of candidate sub-routes in view of the teachings of Elkin et al.; the resultant system/method enabling users to define business process from the top-down wherein the high-level process is successively broken down (decomposed) into sub-process for each employee (Elkin et al.: Paragraph 0005).

Regarding Claim 75 Caruso et al. is silent with respect to the selection criteria used to select step candidates from the list.

Elkin et al. teach several selection criteria for selecting step candidates including location (site), user role (organizational level), territory or the like (Paragraphs 0136-0137) in an analogous art of workflow management for the purposes of making it easier for business people to define and implement workflows (Paragraph 0013).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting a route to implement a process as taught by Caruso et al. would have benefited from selecting process steps using any of a plurality of selection criteria including user role, location (site) or the like in view of the teachings of Elkin et al.; the resultant system/method making it easier for business people to define and implement workflows (Elkin et al.: Paragraph 0013).

Further it is noted that while Caruso et al. does not expressly teach the list selection criteria as claimed these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific selection criteria/rules/policies used to select the next/subsequent process step. Further, the structural elements remain the same

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regardless of the specific selection criteria/rules/policies used to select the next/subsequent process step. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

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10. Claims 72 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caruso et al., U.S. Patent No. 5,848,271 as applied to claims 68 and 74 above and further in view of Meijler et al., Realising Run-Time Adaptable Workflow by means of Reflection in the Baan Workflow Engine (PTO-892, mailed February 8, 2006, Reference W2).

Regarding Claims 72 and 78 Caruso et al. teach a workflow system and method wherein the adaptive step provides multiple selection steps from the list of step candidates such that the selected steps are executed as discussed above.

Caruso et al. does not expressly teach that the workflow steps are executed in parallel as claimed.

Meijler et al. teach executing business process steps (workflows, routes, etc.) in parallel (Paragraph 2, Page 3; Paragraph 2, Page 4; Figure 4) in an analogous art of adaptive workflow management for the purposes of enabling adaptive workflow steps that are executed in parallel to eventually merge (synchronize; Paragraph 2, Page 4).

Meijler et al. further teach an adaptive workflow management system and method comprising ad-hoc workflows (routes), wherein "the user is completely free in choosing the next activity" (Number 1, Page 1), restricted choice, wherein "the choice of activities that the user has to ad-hoc define the process is limited, and depends on the

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current situation" (Number 5, Page 2), an adaptive step (Last Paragraph, Page 3) and inserting an adaptive step prior to the first step of a route (Paragraph 1, Page 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method to adapt a route to implement a process as taught by Han et al. would have benefited from executing workflow steps (routes, processes, tasks, etc.) in parallel in view of the teachings of Meijler et al.; the resultant system/method enabling adaptive workflow steps that are executed in parallel to eventually merge (Meihler et al.: Paragraph 2, Page 4).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bacon et al., U.S. Patent No. 6,430,538, teach a system and method for adapting a workflow process comprising sub-processes (sub-workflows).
- Ohaski et al., U.S. Patent No. 6,985,938, teach a system and method to implement an adaptive route in a workflow process, "for example a workflow such as circulation of a form among a plurality of departments where the circulation route varies in each department."



- Georgakopoulos et al., An Overview of Workflow Management (1995), teach a plurality of well-known workflow management systems and method including but not limited to ad-hoc workflows wherein the route to implement the process is determined during the execution of the workflow.

- Voorhoeve, M. et al., Ad-hoc Workflow (1997), teaches a well-known method for adapting a route to implement during the execution of the route.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJ  
10/24/2006



*Romain Janty*  
Primary Examiner  
Art Unit 3623